

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HODELL-NATCO INDUSTRIES, INC.)	CASE NO. 1:08 CV 2755
)	
Plaintiff,)	JUDGE LESLEY WELLS
)	
v.)	
)	
SAP AMERICA, INC., et al.)	
)	
Defendants.)	
)	

**PLAINTIFF’S OBJECTIONS TO THE TRIAL EXHIBIT LIST OF DEFENDANTS
SAP AMERICA, INC. AND SAP AG**

Plaintiff Hodell-Natco Industries, Inc., through undersigned counsel, submits the following Objections to the Trial Exhibit List [ECF #212] filed by Defendants SAP America, Inc. and SAP AG (“Defendants” or “SAP”).

GENERAL OBJECTIONS

1. Plaintiff objects to all exhibits for which a proper foundation has not been laid. Plaintiff specifically reserves the right to raise objections regarding foundation at the trial of this matter.
2. Plaintiff objects to all exhibits not marked at depositions taken in this matter, and specifically reserves the right to object to any such exhibits at the trial of this matter.
3. Plaintiff specifically reserves the right to raise at trial any objection to any exhibit or witness testimony proffered by any party on the grounds of relevance, hearsay, authenticity, or other grounds depending upon how such exhibits may be used, introduced, or offered at trial.

4. Plaintiff reserves the right to object to any exhibit depending upon the purpose for which it is offered at trial, and objects to any exhibit to the extent it is used for a purpose that is the subject of any motion in limine filed, or to be filed by Hodell.

5. Plaintiff reserves the right to object to the introduction of any exhibits or witness testimony on any basis that may become apparent during the course of trial including, without limitation, the grounds of parol evidence, hearsay and authenticity.

6. Plaintiff reserves the right to withdraw, amend, or supplement any of the objections made below prior to or during the trial of this matter.

<u>Trial Exhibit No.</u>	<u>Date</u>	<u>Deposition Exhibit No.</u>	<u>Description</u>	<u>Bates Range</u>	<u>Objection</u>
SAP 001	01/24 /2001	195	Correspondence from O. Reidl to D. Van Leeuwen, D. Jeffries, and K. Kelly	LSI01320353-LSI01320354	Relevance Fed.R.Evid. 402, 403
SAP 002	2002-2009	24	Hodell – Natco Industries Inc. Condensed Income Summary for Calendar Years 2002-2009	HODL032391-HODL032400	
SAP 003	2003	13	Customer Successes with SAP Business One: Solutions for Small and Midsize Businesses	HODL00453-HODL00481	Hearsay; Relevance; Foundation Fed.R.Evid. 402, 403, 404, 802
SAP 004	07/11 /2003	311	Email chain between D. Van Leeuwen and K. Reidl	HODL003314-HODL003315	Relevance; Improper Character Evidence Fed.R.Evid. 402, 403, 404
SAP 005	07/24 /2003	312	Email chain between O. Reidl, D. Van Leeuwen and K. Reidl	HODL003349-HODL003351	Relevance; Improper Character Evidence Fed.R.Evid. 402, 403, 404

SAP 006	12/19 /2003	30	SAP Business One Software Marketing and Distribution Agreement	LSI-000016-LSI-000054	
SAP 007	12/31 /2003	32	Limited Term SAP Business One Software Development Kit License (v.2.0)	LSI-000001-LSI-000015	
SAP 008	02/06 /2004	17	Handwritten Notes of Otto Reidl	HODL00729	Hearsay Fed.R.Evid. 802
SAP 009	04/02 /2004	126, 334	SAP Business One – Standard Configurations for the IBM eServer xSeries platform	N/A	
SAP 010	07/00 /2004	453	SAP Business One Sizing Guide	N/A	
SAP 011	08/00 /2004	122	SAP Business One Sizing Guide	LSI-009755	
SAP 012	10/14 /2004	8	Handwritten Notes of Otto Reidl	HODL00108	Hearsay Fed.R.Evid. 802
SAP 013	10/14 /2004	9	Correspondence from D. Van Leeuwen and D. Lowery to O. Reidl and K. Reidl	HODL00109	
SAP 014	11/01 /2004	10	Email from D. Lowery to O. Reidl, K. Reidl, D. Van Leeuwen and J. Woodrum	HODL00161	Hearsay Fed.R.Evid. 802
SAP 015	12/24 /2004	291	Hodell-Natco Industries, Inc., Inflight Enterprise Development Agreement	N/A	
SAP 016	2005	131	SAP Business One Quick Reference Guide for use by SAP Channel Partners Only	LSI-007049	

SAP 017	01/17 /2005	137	Email chain between D. Kraus, D. Lowery, and D. Van Leeuwen	SAP00000336	
SAP 018	04/25 /2005	124	SAP Business One Statement of Direction Release 2005	N/A	
SAP 019	05/09 /2005	214	Email chain between J. Woodrum, D. Van Leeuwen and D. Lowery	LSI02069474-LSI02069477	Hearsay, Relevance Fed.R.Evid. 402, 802
SAP 020	05/19 /2005	297	Email from O. Reidl to D. Van Leeuwen, K. Reidl and D. Lowery attaching Signed 150-day release on SAP Business One Development	LSI01569814-LSI01569816	
SAP 021	08/00 /2005	448	US Customer Visits and Partner Event	SAP00024335-SAP00024355	
SAP 022	09/00 /2005	450	SAP Business One SDK Performance Results Solution Management	SAP00024258-SAP00024267	
SAP 023	10/31 /2005	12	Handwritten Notes of Otto Reidl	HODL00174	Hearsay Fed.R.Evid. 802
SAP 024	11/01 /2005	5	ERP Software: Latest news on ERP software, New SAP Business One 2005	HODL00494	Hearsay Fed.R.Evid. 802
SAP 025	11/03 /2005	196	Email chain between A. Poidomani to K. Reidl, et al.	HODL003561-HODL003563	Relevance; Character Evidence; Hearsay Fed.R.Evid. 402, 43, 404, 802
SAP 026	12/22 /2005	138	SAP Business One Order Entry Forms	SAP00000432-SAP00000433	Hearsay Fed.R.Evid. 802
SAP 027	12/23 /2005	316	SAP Business One Software License Agreement between	SAP00000434-SAP00000438	

			SAP America, Inc. and Hodell-Natco Industries		
SAP 028	01/25 /2006	141	Email chain between G. Barnea, A. Myrick and M. Weis	LSI01057161-LSI01057166	
SAP 029	02/27 /2006	142	Email chain between D. Lowery, A. Myrick and J. Woodrum, attaching	LSI01057508-LSI01057510	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP 030	03/00 /2006	129	Statement of Direction SAP Business One	N/A	
SAP 031	03/03 /2006	294	Email chain between D. Lowery, A. Myrick et al.	N/A	Hearsay Fed.R.Evid. 802
SAP 032	03/03 /2006	293	Email chain between D. Lowery, A. Myrick et al.	N/A	Hearsay Fed.R.Evid. 802
SAP 033	03/13 /2006	306	Email chain between J. Guagenti, A. Myrick et al.	LSI01057798	Hearsay Fed.R.Evid. 802
SAP 034	03/13 /2006	308	Email chain between A. Myrick, J. Guagenti et al.	LSI01057801	Hearsay Fed.R.Evid. 802
SAP 035	03/14 /2006	143	Email chain between A. Myrick to J. Guagenti	LSI01057845-LSI01057846	Hearsay Fed.R.Evid. 802
SAP 036	03/14 /2006	217	IBIS In-Flight – SAP Business One Product Add-on Status Meeting	LSI02086786-LSI02086788	
SAP 037	03/16 /2006	121	SAP In-Flight Development and Hodell-Natco Implementation	N/A	
SAP 038	04/25 /2006	318	Email chain between J. Woodrum, K. Reidl, et al.	HODL006028-HODL006030	Hearsay Fed.R.Evid. 802
SAP 039	05/00 /2006	125	A. Arthur, Dell Power Solutions , <i>Sizing Dell PowerEdge Servers for SAP Business One</i> (May 2006)	N/A	Hearsay Fed.R.Evid. 802

SAP 040	07/17 /2006	119	Sizing Transaction Volumes	LSI-010069	
SAP 041	10/14 /2006	198	Email from J. Woodrum to R. Elliott	LSI02102107-LSI02102109	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP 042	11/00 /2006	283	SAP Statement of Direction: SAP Business One		
SAP 043	11/14 /2006	144	Email chain between A. Myrick, J. Woodrum, D. Lowery and K. Winn	LSI01070047-LSI01070048	Hearsay Fed.R.Evid. 802
SAP 044	11/14 /2006	145	Email from J. Woodrum, K. Reidl, D. Lowery, M. Weissman, J. Guagenti, A. Myrick	HODL008081	Hearsay Fed.R.Evid. 802
SAP 045	12/11 /2006	54	Email chain between K. Reidl, J. Woodrum, D. Lowery et al.	HODL008887-HODL008889	
SAP 046	12/22 /2006	227	Email chain between J. Woodrum, K. Reidl, amyrick@lsistl.com et al.	HODL009060-HODL009060	Hearsay Fed.R.Evid. 802
SAP 047	01/02 /2007	299	Email chain between K. Reidl, K. Winn et al.	N/A	Relevance; foundation Fed.R.Evid. 402, 802
SAP 048	01/05 /2007	301	Email from K. Winn to All Users	N/A	
SAP 049	01/05 /2007	300	Email chain between D. Reidl, K. Reidl, et al.	N/A	
SAP 050	01/12 /2007	56	Email chain between K. Reidl, J. Woodrum, D. Lowery, O. Reidl et al.	HODL009497-HODL009499	

SAP 051	01/16 /2007	146	Email chain between K. Reidl, J. Woodrum, D. Lowery and O. Reidl	HODL009651-HODL009653	
SAP 052	02/01 /2007	31	SAP PartnerEdge Channel Agreement VAR between SAP America, Inc. and Lowery Systems, Inc.	LSI-000056-LSI-000119	
SAP 053	02/05 /2007	47	Email from D. Lowery to K. Reidl and J. Woodrum	HODL010078	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP 054	02/16 /2007	202	Email chain between D. Lowery, K. Reidl, J. Woodrum and R. Elliott	LSI02110199-LSI02110203	
SAP 055	04/13 /2007	68	Email chain between K. Reidl, J. Woodrum et al.	HODL015419-HODL015421	
SAP 056	04/16 /2007	157	Email chain between R. Mehnert-Meland to D. Kraus, M. Sotnick et al.	SAP00004601	
SAP 057	04/17 /2007	151	Email chain between M. Weis, P. Killingsworth, G. Ashley, et al.	SAP00002279-SAP00002280	Hearsay Fed.R.Evid. 802
SAP 058	04/17 /2007	159	Email chain between G. Ashley, D. Kraus, D. Boessmann et al.	SAP00004633-SAP00004635	
SAP 059	04/18 /2007	160	Email chain between M. Weis, R. Mehnert-Meland, G. Ashley, et al.	SAP00010143-SAP00010146	
SAP 060	04/23 /2007	302	Email from M. Weissman to J. Woodrum, D. Lowery, et al.	LSI01074120	Hearsay Fed.R.Evid. 802
SAP 061	04/25 /2007	303	Email from E. Johnson to J. Guagenti, J. Woodrum	LSI01353251-LSI01353253	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP	05/14 /2007	87	Email from D. Lowery to K. Reidl	HODL015733	

062			and O. Reidl		
SAP 063	05/22 /2007	320	Email chain between K. Reidl, J. Woodrum and D. Lowery	LSI02121661-LSI02121663	Hearsay Fed.R.Evid. 802
SAP 064	05/22 /2007	321	Email chain between K. Reidl, J. Woodrum and D. Lowery	HODL015836-HODL015838	Hearsay Fed.R.Evid. 802
SAP 065	06/06 /2007	89	Email from P. Killingsworth to K. Reidl, O. Reidl et al.	SAP00002850	
SAP 066	06/08 /2007	441	Email from C. Woodrum to D. Kraus, D. Boessmann et al., attaching document entitled “Areas of SAP Performance Testing”	SAP00015462-SAP00015470	Hearsay; Foundation Fed.R.Evid. 802
SAP 067	09/13 /2007	258	Email chain between D. Kraus, R. Seligmann, N. Stenfeldt et al.	SAP00001064 – SAP00001072	Hearsay Fed.R.Evid. 802
SAP 068	09/14 /2007	307	Email chain between P. Killingsworth, D. Kraus et al.	SAP00011741-SAP00011744	Hearsay Fed.R.Evid. 802
SAP 069	09/28 /2007	260	Email chain between D. Kraus, N. Stenfeldt et al.	SAP00011834 – SAP00011836	Hearsay Fed.R.Evid. 802
SAP 070	10/11 /2007	165	Email chain between G. Barnea to E. Neveux, attaching Results and Hodell Site Visit Summary	SAP00005988-SAP00005991	Hearsay Fed.R.Evid. 802
SAP 071	10/17 /2007	167	Email chain between M. Trinidad Martinez Gea, E. Neveux, G. Bagnoli	SAP00004427, SAP00004429	Hearsay Fed.R.Evid. 802
SAP 072	10/17 /2007	166	Email from E. Neveux to P. Killingsworth et al.	SAP00003167-SAP00003168	Hearsay Fed.R.Evid. 802
SAP 073	10/19 /2007	168	Email chain between E. Neveux, G. Bagnoli et al.	SAP00004430-SAP00004433	Hearsay Fed.R.Evid. 802

SAP 074	11/01 /2007	304	Email chain between E. Johnson, T. Phillips, et al.	LSI02140460-LSI02140462	Hearsay; Relevance Fed.R.Evid. 402, 802
SAP 075	11/02 /2007	263	Email chain between S. Fuerst, D. Shah, M. Sotnick et al., attaching Budget Approval Guidelines	SAP00002942 – SAP00002944	
SAP 076	11/05 /2007	305	Email chain between E. Johnson, D. Lowery, J. Guagenti, et al.	LSI01359656-LSI01359660	Hearsay Fed.R.Evid. 802
SAP 077	11/06 /2007	153	Email from D. Lowery to J. Guagenti, J. Woodrum, Joe@lsichi.com	N/A	Hearsay Fed.R.Evid. 802
SAP 078	11/16 /2007	21	Email chain between M. Sotnick, O. Reidl, K. Reidl, D. Lowery et al.	SAP00002731-SAP00002734	
SAP 079	12/04 /2007	264	Email chain between R. Woodson to M. Sotnick, D. Kraus et al.	SAP00005351 – SAP00005352	
SAP 080	12/12 /2007	330	Email chain between K. Murphy and J. Vislocky	N/A	Hearsay; Relevance Fed.R.Evid. 802
SAP 081	12/13 /2007	210	Email chain between A. Boyko, R. Elliott, B. Jamieson et al.	ACC000360-ACC000361	Hearsay Fed.R.Evid. 802
SAP 082	12/28 /2007	113	Email chain between D. Lowery, M. Sotnic, J. Woodrum et al.	SAP00002829-SAP00002831	Hearsay Fed.R.Evid. 802
SAP 083	12/28 /2007	331	Email chain between K. Murphy and J. Vislocky	N/A	Hearsay Fed.R.Evid. 802
SAP 084	01/10 /2008	265	Email chain between M. Sotnick and P. Killingsworth	SAP00012912	Hearsay Fed.R.Evid. 802
SAP 085	03/03 /2008	332	Email from K. Murphy to J. Vislocky	N/A	Hearsay Fed.R.Evid. 802

SAP 086	03/25 /2008	457	Email chain between P. Killingsworth and J. Gillespie	SAP00014307-SAP00014309	Hearsay Fed.R.Evid. 802
SAP 087	05/20 /2008	266	Email chain between P. Killingsworth, D. Kraus, R. Woodson and C. Mandala	SAP00003324 – SAP00003326	Hearsay Fed.R.Evid. 802
SAP 088	06/27 /2008	317	Master Customer Agreement: Activant Products and Services with Hodell-Natco Industries, Inc.; Amendment to Master Customer Agreement	HODL039901-HODL039952	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP 089	09/16 /2008	273	Email chain between J. Sheldon, M. Lovelace et al.	N/A	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP 090	09/19 /2008	281	Activant Business Analysis for Hodell-Natco Industries, Inc.	N/A	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP 091	05/04 /2009	278	Hodell Natco Consulting Application	N/A	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP 092	05/06 /2009	276	Email from J. Vislocky to T. Phillips, E. Daniels, and K. Reidl.	HODL038362-HODL038363	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP 093	05/22 /2009	274	Email chain between J. Sheldon, J. Vislocky and F. Gafford	N/A	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP 094	05/22 /2009	277	Email chain between J. Snow, K. Reidl, J. Sheldon et al.	N/A	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP 095	07/01 /2009	280	Email chain between F. Gafford, J. Vislocky, J. Sheldon and T. Phillips	N/A	Relevance; Hearsay Fed.R.Evid. 402, 802

SAP 096	07/31 /2009	279	Hodell-Natco Wholesale Distribution Division Application Consulting Department: Trip Report	N/A	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP 097	08/26 /2009	275	Email chain between J. Vislocky, J. Sheldon et al.	N/A	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP 098	09/25 /2009	325	Email chain between K. Reidl, K. Crusco, R. Caldwell and J. Vislocky	HODL03108; HODL03110	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP 099	12/21 /2009	326	Email chain between K. Reidl, B. Patton, M. Lovelace et al.	HODL03136-HODL03139	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP 100	01/15 /2010	327	Email chain between J. Vislocky and J. Sheldon	N/A	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP 101	02/06 /2012	4	Pages from www.hodell-natco.com	N/A	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP 102	N/A	11	Required items to purchase and implementation of SAP Business One	HODL00163	
SAP 103	N/A	120	Information on Jon Woodrum	N/A	Relevance; Hearsay Fed.R.Evid. 402, 802
SAP 104	N/A	130	Business Co-Innovation	LSI-006991	
SAP 105	N/A	459	Spreadsheet of Business One customers	N/A	Relevance; Untimely produced; lack of foundation; Hearsay Fed.R.Evid. 402, 802

SAP 106	N/A	N/A	Spreadsheet entitled "B1 Customers Global 50+ users"	2SAP000000001	Relevance; Untimely produced; lack of foundation; Hearsay Fed.R.Evid. 402, 802
SAP 107	N/A	N/A	Spreadsheet entitled "B1 Customers Global 100+ users"	2SAP000000002	Relevance; Untimely produced; lack of foundation; Hearsay Fed.R.Evid. 402, 802
SAP 108	9/13-14/2004	127	Partner Meeting	N/A	

Respectfully submitted,

/s/ P. Wesley Lambert
P. WESLEY LAMBERT (0076961)
wlambert@koehlerneal.com
KOEHLER NEAL LLC
3330 Erieview Tower
1301 East 9th Street
Cleveland, Ohio 44114
(216) 539-9370
(216) 916-4369 (facsimile)
Attorneys for Plaintiff Hodell-Natco
Industries, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of October, 2014 a copy of the foregoing Objections to the Trial Exhibit List of SAP America, Inc. and SAP AG was filed and served electronically upon counsel for SAP, and was sent by Email and First Class Mail to the following parties:

LSI-Lowery Systems, Inc.
c/o Chris Kellett
cpk@carmodymacdonald.com

IBIS Group, Inc
1800 W. Hawthorne Lane, Suite N
W. Chicago, IL 60185

/s/ P. Wesley Lambert
P. Wesley Lambert (0076961)